UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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UNITED STATES OF AMERICA, Plaintiff, vs. ADAM BRENT WALLACE, Defendant.	))))))))))))	2:11-CR-00094-PMP-CWH **ORDER**

Before the Court for consideration is Defendant Adam Wallace's fully briefed Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. #53) filed December 6, 2012. For the reasons set forth in the Government's Opposition to Wallace's Motion (Doc. #61), the Court finds that Defendant Wallace's Motion (Doc. #53) must be denied.

Specifically, the Court finds that Defendant Wallace has failed to demonstrate that the performance of his attorney in this case was ineffective under the standards established by the United States Supreme Court in *Strickland v. Washington*, 466 U.S. 668 (1984) and its progeny. Simply put, the circumstances under which child pornography was discovered on Defendant's laptop by a pawn shop employee does not constitute a violation of Defendant Wallace's Fourth Amendment rights and provides no basis for the filing of a motion to suppress evidence.

IT IS THEREFORE ORDERED that Defendant Adam Wallace's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. #53) is **DENIED**.

DATED: February 19, 2013.

PHILIP M. PRO
United States District Judge